

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Humberto Victorino, Jr.
and Rory Grundhoffer,
*as Co-Trustees for the next-of-kin
of Diana Balderas,*

Case No. 18-cv-226 (JNE/DTS)

Plaintiffs,

v.

REPORT AND RECOMMENDATION

Shawn Hayes, *et al.*,

Defendants.

Plaintiffs Humberto Victorino, Jr. and Rory Grundhoffer, as Co-Trustees for the next-of-kin of Diana Balderas, seek approval of the distribution of settlement funds in the amount of \$425,000, including individual distributions to the children of decedent Diana Balderas, litigation-related expenses, and attorneys' fees, as set forth in their Petition for Distribution of Proceeds. Docket No. 43. A hearing was held on March 3, 2020 at which the Co-Trustees testified and no person appeared in Court to object to the proposed distribution. Having reviewed the written submissions, and heard and considered the testimony at the hearing, the Court recommends that the petition be granted and the funds be distributed as set forth below.

RECOMMENDATION

It is recommended that Plaintiffs' Petition for Distribution of Proceeds [Docket No. 43] be GRANTED and the settlement funds be distributed as follows:

1. \$113,333.00 be paid to Robins Kaplan LLP for attorneys' fees.

2. \$56,667.00 be paid to Sieben Carey PA for attorneys' fees.
3. \$20,228.80 be paid to Robins Kaplan LLP for litigation costs.
4. \$12,370.20 be paid to Sieben Carey PA for litigation costs.
5. \$10,000.00 be paid to South Country Health Alliance for its subrogation claim.
6. The remainder of the \$425,000.00, which is \$212,401.00, be distributed in equal amounts of \$30,343.00 to each of Diana Balderas's seven adult children:
 - a. Oscar Estrada, Jr.
 - b. Rosario Roxanne Estrada
 - c. Tabatha Tailee Rodriguez
 - d. Humberto Victorino, Jr.
 - e. Concepcion Castro
 - f. Rory Dean Balderas Grundhoffer, Jr.
 - g. Jade Aleah Grundhoffer

Dated: March 5, 2020

/s David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).